



**REGULAR MEETING  
MINUTES  
for  
July 29, 2002, 6:00 p.m.  
Art Pick Council Chamber  
3900 Main Street, Riverside, CA**

Present: Commissioners Brewer, Davidson, Floyd, Gardner, Howe, and Ward

Absent: Commissioners Garcia, Hendrick and Huerta

Chairperson Brewer called the meeting to order at 6:09 p.m. and led in the Pledge of Allegiance.

Motion was made by Commissioner Howe and seconded by Commissioner Gardner to approve the minutes for the June 2002 monthly meeting and the July 9, 2002 case review meeting. Chairperson Brewer asked if there was any discussion regarding the minutes.

Commissioner Ward asked why portions of the minutes were verbatim and others parts were not. Ms. Sherron explained that the minutes had, at one time, been done verbatim, but eventually the need for verbatim minutes decreased. She said that she discussed this with the Executive Director and based on his recommendation, the minutes were done in their current form.

Commissioner Ward expressed concern that people reading the minutes would not get as much out of them in the current format. Chairperson Brewer noted that the CPRC minutes have more information than most commissions and boards. Commissioner Ward said that he feels the format should be the same throughout the entire document. Executive Director Williams said that there had been discussion and that it had been his decision for the minutes to be done in the current format because it had been taking too long to do the entire minutes verbatim. He noted that if there is a crucial issue with lots of public comment, then that will be done verbatim so that councilmembers will know exactly what occurred, but when discussing routine business, the current format is fine. He said that it is a selective process as to what is verbatim and when.

Vice-Chair Gardner commented that if someone is really interested in what actually occurred during the meeting, they can request a copy of the recording and listen to it. He also noted that minutes, by definition, are a summary whereas if it's verbatim, it's a transcript.

Ms. Sherron also explained how the minutes came to be in their current form. She said that if a member of the public wished for a copy of the recorded meeting, they could call the CPRC office and she would make a copy for them.

Mr. Williams said that eventually the recordings would be available on the CPRC website. Ms. Sherron said that she'd checked with the company that had installed the new recording system to ask about that

possibility. She was told that the audio files were still too large for that and that most home computers would take too long to load the files.

Commissioner Davidson asked if the closed sessions were recorded. Chairperson Brewer told him that they are not.

Chairperson Brewer noted that there was a motion and a second to approve the minutes. The motion passed unanimously.

### **Executive Director's Report & Comments**

Mr. Williams commented on Mr. Kenny's comments during the June regular meeting about loud music from car stereos. He said the Dvonne Pitruzzello in the Mayor's office is handling this situation. He said that the last correspondence he received was a copy of a message from a commander saying that loud car stereo complaints are treated the same as any loud noise complaint and that they are put in a priority stack and if, by the time there is a police response, the vehicle is not in the area, it's considered "gone on arrival" or something of that nature. He said that Ms. Pitruzzello keeps him pretty well informed, but that he's not heard anything else on this issue.

Vice-Chair Gardner asked if there were two classes of this type of problem, one where the vehicle is moving and the other where the vehicle is stationary and that moving vehicles would be hard to track. Mr. Williams said that was true. He also said that there was a meeting between the mayor and other city officials regarding this problem and the ordinance pertaining to it and that Mr. Kenny was just trying to find out what has been done regarding the problem of loud music from stationary vehicles. Mr. Williams said that from what he can tell, there are no records kept regarding the type of enforcement action that has taken place nor has he found any strategy to specifically deal with the problem.

Vice-Chair Gardner said he's spoken with a motor officer who said he has written citations on a somewhat regular basis on moving vehicles with loud music. Mr. Williams said there are citations probably being written for this type of violation, but there is no count of which he is aware and noted that this is the type of information that Mr. Kenny would like to obtain.

Mr. Williams next spoke about a previous recommendation made by the Commission to the Police Department to caution officers about being in one-on-one situations with members of the opposite sex. Mr. Williams noted that there was a training bulletin issued by the Police Department regarding this issue.

### **Commissioner's Comments**

Commissioner Howe commented on the fine job that was done on the Police Chief's report. He noted that it was very helpful if someone needs to contact a specific division or unit by noting who is in charge in that area.

Chairperson Brewer noted that the Commission was only mentioned once in the report while there were other boards or commissions were mentioned at length.

Commissioner Ward commented on his two ride-alongs. He said that on his first ride-along, he wasn't asked to sign a waiver, but that he was on the second ride-along. He asked for clarification about whether or not CPRC commissioners have to sign the waiver. He said that at a training meeting he'd attended for new board and commission members, he'd been told that members of these bodies were considered public officials. Mr. Ward said that in view of this, he feels that this should also apply to ride-alongs.

Chairperson Brewer asked the Executive Director to check with the city attorney on this issue. Mr.

Williams said that he knew that there are things that are waived, such as the number of ride-alongs a commissioner can go on in a certain time period as opposed to the number that can be done by the general public. He said he'd be interested in knowing if any of the other commissioners had signed waivers when going on ride-alongs.

Vice-Chair Gardner suggested that when commissioners update their RPD manuals, that they give the pages they remove to Ms. Sherron so she can shred them. He noted that while much of the manual is public record, some of the sections that had been updated recently pertained to tactical issues and should be disposed of properly.

## **Public Comments**

### **Ms. Mary Shelton**

I am here to address the issue of being able to access copies of the policies and procedures of the Riverside Police Department. I was made aware recently that Policy No. 4.12, which was revised and then sent up to the Attorney General's office in Sacramento, was returned to the Riverside Police Department in April. As of July 25<sup>th</sup>, it still has not made its way to the public library. In fact, many of the new policies that have been revised in the past year haven't made their way to the public library. And the whole point of putting the policy and procedure manual in the public library was one way to make it more accessible to the public. And I'm not talking about a policy that needs to be secret for tactical reasons. I'm talking about the policy that perhaps should be the least secret, which is that that involves personnel complaints.

And I called the Riverside Police Department last Friday, called the chief's office and I got in contact with a woman there and she told me that it wasn't public and I had to do a written document request, which sounded a little strange to me, and then she referred me off to a captain to ask how to do that and that captain never returned my calls. And I contacted some legal experts today, including the top legal expert in the state, Terry Frank, up in Sacramento, in terms of whether or not police policies are public record and he said indeed they are and he said the only reason anyone would ever ask you to make a written request is that that's a form of harassment or an obstacle that's being placed in your path to keep you from getting access to that document. So I was going to ask the Commission that I think if you're going to have a policy and procedure manual in the library, that should be kept up to date, because I went there and read it and most of the policies were policies that were revised in like 1995, 1996 under about a couple of chiefs ago.

And the reason I was interested in this particular policy in question was that I was very concerned because I had filed a complaint with the Police Commission a year ago and they assigned my original complaint, which was to Internal Affairs, they assigned it to the same person who the complaint was against. And we went through that whole procedure and I was told that there was no policy in place in 4.12 that would prohibit involved supervisors from investigating themselves. It just seemed to be whether it was a good idea or not and on that occasion it was not a good idea because the victim of this complaint had very strong reservations about receiving phone calls late at night from a supervisor who not only had called upon (unintelligible word) force against him, but that he had defended it in two newspapers as being just. So, I mean, naturally, like if you're a victim of a crime, you're not going to want the perpetrator or the alleged perpetrator to be the one (unintelligible words) you. And it was nothing, I mean the officer involved was just doing what somebody had told him to do. I mean, if he didn't do it, what he was ordered to do, he could get into trouble. And my question was why was he asked to do something like that and who asked him?

Well, after a long process I found out exactly what happened. But the person was exonerated because there was nothing written in the policies to prohibit them from doing something that just seemed so crazy to have to have done that to allow a person investigate their own alleged misconduct. And so why I wanted that policy was to find out if something had been included in that policy because I know the

Commission had made a policy recommendation in that area and Chief Leach had rejected it. And then he said later in another meeting that he was aware of two other occasions where an officer was assigned to investigate their own misconduct, so it's still a problem.

And the only reason that I can think of a no-brainer policy like that being excluded from the personnel complaint policy is that there's a contingent within the Department that is very adamant about it not being there because I just cannot think of any other reason why you would not have something in writing saying an officer cannot investigate themselves. I mean if you were in another job, you wouldn't be allowed to investigate your own misconduct. And as long as there's nothing there in writing, that can continue to happen and nothing can be done about it. I mean, the person will just be exonerated.

And so that's my point there, was to say something about that, but also because I was concerned that these policies, when they come back from the Attorney General or wherever whenever they come up for revision, that they're not being forwarded to the public library or they're not even being forwarded or allowed for the public to see if you're being asked to make a written request.

Thank you.

**COMMISSIONER FLOYD** – With respect to the policy in question, is it an official policy of the Police Department at this point or is it still a policy under construction?

**EXEC. DIR. WILLIAMS** – Are you talking about the policy...

**COMMISSIONER FLOYD** – The policy that she's referring to.

**EXEC. DIR. WILLIAMS** – The personnel complaint policy?

**COMMISSIONER FLOYD** – Yes.

**EXEC. DIR. WILLIAMS** – It has been through review. It's back. We've got the revisions. I think the revisions are in that stack of newly revised things that were passed out to you. So it's there.

**COMMISSIONER FLOYD** – Is it operational at this point?

**EXEC. DIR. WILLIAMS** – Yeah.

**COMMISSIONER FLOYD** – Has it been put into effect?

**EXEC. DIR. WILLIAMS** – Right. Yes it has.

**COMMISSIONER FLOYD** – Why would the public not be permitted to get a copy of that?

**EXEC. DIR. WILLIAMS** – You know, I don't know.

**COMMISSIONER FLOYD** – You know, I haven't...I'm taking what Ms. Shelton says, assuming that the public is not allowed to just walk in and ask for a copy of that policy, why would that be?

**EXEC. DIR. WILLIAMS** – You know, not everyone gets the word, I guess, at the same time. I know when we brought it up to...in fact, the point was raised – I forget who raised it last year – asked that it be placed in the library and I went to the Chief and I went to Greg Priamos and I said, "Look, is there any reason why?" and they just sort of "No, there isn't a reason why we can't do it – we'll do it." And so it was...they redacted, obviously, some tactical stuff and everything, but other than that, that's what got it in there and I know we didn't receive the updates as soon as everyone in the Department did because we weren't on the update list and so maybe that's just a case that someone didn't put the library on the update list. Or it was sent over there and the library just hasn't sat down to take out and put in, you know? I don't know

what the...but there's no reason why they can't get it. I guess I gave you the long answer to a very simple question.

**COMMISSIONER FLOYD** – Well is it possible that she could get a copy of that policy from the Commission? I mean, are we permitted to give these policies out?

**EXEC. DIR. WILLIAMS** – Yeah, but I don't want to make a habit of us being the resource for everyone. Certainly, we could do it on an individual basis one time, but we just don't want to get in the...where we are the place to go. We just don't have the...we just can't do it for everybody. I don't know what kind of a wave of people want policies and procedures for the Police Department, but we could certainly accommodate Ms. Shelton on this.

**CHAIRPERSON BREWER** – That was one of the reasons why the library was brought up before so that it would be there at the public library and not have them coming into Don's office all the time.

**COMMISSIONER FLOYD** – Yeah, but apparently it's not in the library. I agree, you can't be the designated individual in the city to hand out policies, but it seems like, in this particular instance, it would be a public service.

**EXEC. DIR. WILLIAMS** – Yeah, that won't be a problem. Yeah, she can come up anytime and we'll be glad to, so there won't be a problem. But, as I said, we just don't want to get in where 'Yeah, go to the Commission and they'll give it to you' type thing, because we just don't have...

**COMMISSIONER FLOYD** – Watch you don't start sending them over to my office...

**EXEC. DIR. WILLIAMS** – Yeah, we could send them over to your office maybe...

**COMMISSIONER FLOYD** – Thank you, Don.

**CHAIRPERSON BREWER** – Les?

**COMMISSIONER DAVIDSON** – You know what I'd like to see is who is responsible at the Police Department or whatever department it is to get it to the library. Maybe we need to have some understanding of that and the other thing that I find a little disturbing, if it happened, is the lady being told that it was private and that it wasn't public. And I think we need some – if that really happened – we need to maybe see that we could get that addressed to give more knowledge to those people that are giving that information out.

**EXEC. DIR. WILLIAMS** – Yeah, well I can send an e-mail over to the Chief and just mention it. I, you know, I think it's one of these things that, for whatever reason – and take a guess at your own reason, for years and years it was considered, you know, top-secret stuff and everything, and just recently – and no one asked for it and everything. And now, just recently – I don't think it's been a recent phenomenon that it's been public record – I think it's been public record all along, it's just that law enforcement has kept it a sort of closely guarded secret and didn't tell anybody it wasn't secret and they made people jump through all these hoops to get it and everything and it's just something that, you know, maybe not everybody's aware that, hey, this stuff is available. And they may not have...again they're in the same...if you've got a secretary or somebody, anybody over there doing some particular job, you know, again, I don't know how many requests they get for copies of policies and everything, but it's like, where do you go, the Records Division? I just don't know. But that's an idea and you know, that was the idea of putting it in the library so people wouldn't have to go there; they could go to the library, get it, make copies if they want to on their own dime and their own time and you know, that seemed like an easy solution to it. But I guess what we're going to have to do is just make notes to put the library on the list for getting the revisions and then I will check with the library to see who over there receives them, make sure that they put the revisions in the policy as it's supposed to and you know, let's be clear that everyone who at least has access to pick up the phone for the public says, 'Yes, it is a public document,' and have some sort of procedure like that.

But I think, let them handle it the way they would handle it.

**COMMISSIONER DAVIDSON** – I think we're dealing with image more than probably what somebody did purposely, it sounds like. You look at the...you know, it's not at the library when this lady goes to the library. Then she's told that it's not public record and then she tries to make contact with the Police Department and seems to find that her phone calls were not returned. And that would lead someone to believe, obviously, if all of those things happened – and I only have her word that it did – but if it did, then certainly the image that the Police Department is projecting is one that could be corrected very easily and I think that probably it's innocent, probably in a lot of...I don't think the gal did that on purpose. As you pointed out, talking about years of experience of keeping that private, automatically you give that answer.

**VICE-CHAIR GARDNER** – I think I heard you say, Don, but clarify for me that your intent is to contact the Department in two areas; one to try to insure that the library is on the distribution list and secondly to let the Chief's office know at least what was complained about about the way...

**EXEC. DIR. WILLIAMS** – Correct. Correct.

**VICE-CHAIR GARDNER** – Thank you.

**CHAIRPERSON BREWER** – Yeah, I can see a person who's been employed for many years over there just not aware in the change in attitude and something like that happening.

**EXEC. DIR. WILLIAMS** – Yeah. I don't doubt that everything she says is absolutely true. I think she's probably right on the money with it and everything, but – and again, I don't think it's malicious. I just think, it's just one of those little ways we have to smooth out a little bit.

**CHAIRPERSON BREWER** – Does anybody else have anything to say?

### **RPD Response to CPRC Policy Recommendation(s)**

Mr. Williams advised the Commission that the Police Department had sent over the policy regarding P.O.P.'s. He said that he was satisfied with the policy and said that he felt this would improve the management and accountability of the officers with regard to these types of projects.

### **Subcommittee Reports**

Commissioner Floyd, Chair for Investigator Guidelines Subcommittee, reported that the draft the commissioners were sent had since been revised. Commissioner Floyd passed out copies of the revised draft. He also suggested that the Commission wait to approve the draft because there were three commissioners absent. Vice-Chair Gardner said he didn't think action could be taken since it wasn't specifically agendaized. Chairperson Brewer agreed that it would be better to wait for full attendance before approving the draft.

Mr. Williams said that he had spoken with Vice-Chair Gardner regarding other revisions to the CPRC Policies & Procedures and said it would be a good time to incorporate these revisions also, if Commissioner Floyd's subcommittee was at that point. Commissioner Floyd said that his subcommittee is at the point where they are going to submit a policy for the full Commission's approval.

Vice-Chair Gardner, Chair for the Policies & Procedures Subcommittee, said he had nothing new to report.

Commissioner Ward asked if an independent investigation was in addition to or in place of the investigation conducted by RPD. Chairperson Brewer said it was in addition to the RPD investigation.

Commissioner Ward said that most of the CPRC's independent investigations are nothing more than what is already provided by the RPD investigation and that they do nothing but review the information provided in the RPD investigation. He said that if the outside investigator is reviewing the same information, the same conclusion would be reached. He asked that if there is no new information available to the outside investigator, what is the purpose of that investigation. Chairperson Brewer noted that there may be no other information available other than that obtained by the Police Department. He said that isn't known, however, until an independent investigation is conducted.

Commissioner Ward said that when an investigation is conducted four or five months after an incident, the only thing that can be done is review the information that has already been submitted. He said that he thought the independent investigator would conduct a parallel investigation with RPD and that both investigations would be submitted and both would be reviewed to determine if there were discrepancies in the two reports. He said that RPD is going to complete their investigation first, then the independent investigator is only going to be reviewing what is given to the Commission by RPD.

Chairperson Brewer said he had not said that, but that if the Commission decides that an independent investigation should be conducted on a particular case, a parallel investigation would be conducted if enough information is available to do so.

Mr. Williams said that the way the system works is that when a complaint form gets to Internal Affairs, it is faxed to the CPRC office along with any information they might have regarding the complaint and the CPRC file for that complaint is started at that time. He said that if, at that time, a case falls under the guidelines for independent investigation, then he would call the complainant to obtain information regarding evidence and witnesses in order to determine whether or not there is enough to proceed with an independent investigation. If there is, the independent investigator would be contacted and the outside investigation started. He noted that by the time the RPD investigation was received by the CPRC, the outside investigation would have already been completed and a comparison of the two reports could be made. He noted that the main problem with an independent investigation is that the investigator doesn't have access to the officers.

Vice-Chair Gardner noted that officers can be asked to voluntarily submit to an interview with the CPRC investigator, but the officer has the right to refuse. Mr. Williams said that the officers could be subpoenaed, but they couldn't be made to speak. Vice-Chair Gardner noted that in the past, there have been cases in which officers have agreed to speak with the outside investigator. He also said he believed that an officer can be compelled by the Department to answer the outside investigator's questions. Mr. Williams said that the only time this might be a problem is if the CPRC's report was different from the RPD report, but he said he has no reason to suspect that any "shenanigans" are occurring. He said that he thinks that the investigations would look virtually the same and that the officer interviews will be good interviews and that they will be recorded and if other questions come up, RPD would be notified of those questions. He said that he doesn't see this as being a big problem and that this would be a verification that the RPD investigation had been done properly and that the CPRC's independent investigation would corroborate it. He said that he would be very surprised if there was a case where there was a big difference in the two reports. He again noted that the CPRC investigation would be an independent verification of the RPD report. He said that if there is a big difference in the two reports, he has faith in the Department's management to take care of business properly.

Vice-Chair Gardner said that if the independent investigations work the way he believes is being discussed, that in some cases, the independent investigator would be in the field talking to witnesses before the RPD investigators. He noted that the differences seen in the two reports may be that one investigating group may think to ask questions or learn of a witness the other group didn't, but said that that could be a benefit. He said he is excited by the process and thinks that it will work. He said that if there is a problem with officers who decline to be interviewed, then the problem will be dealt with when it occurs, but that he won't assume that it is going to happen. He said that he thinks an officer will, for the most part, be interested in getting the issue resolved.

Mr. Williams said that he understands that there is a natural apprehension and understandable, noting

that if he were in that position, he might also have them. He said that the people who have had no problem talking with the outside investigator have been lieutenants and above. He said that the independent investigation would verify that there is no reason to suspect any wrongdoing. He agreed with Commissioner Gardner that some information might come to light in one investigation that wasn't in the other, but said the two reports would be complimentary and that the independent verification would be good for both entities.

Chairperson Brewer, Chair of the Officer-Involved Deaths Subcommittee, reported that the subcommittee was at a standstill until some upcoming training took place. Mr. Williams said that the August regular meeting would consist of a two-hour training session. The speakers would include the deputy district attorney who makes decisions in officer-involved shootings, the city attorney, someone from the Coroner's office, and the RPD police chief. This session will cover investigation process involved in officer-involved deaths. Mr. Williams said that if any of the commissioners have questions about why there are some who are "ticklish" about the Commission being involved in these types of investigations that the August meeting will be the time to ask. He said once this training session has taken place, there will be another meeting or workshop which will include the city manager, the city attorney and the Police Department in order to determine the best way to handle investigations into officer-involved deaths. He said that it hadn't been decided if this would be a meeting of the full Commission or a committee nor had a date been set.

#### **Closed Session – Case Reviews**

Pursuant to Government Code Section 54957, the Commissioners adjourned to Closed Session at 7:04 p.m. to review the following case(s) involving PUBLIC EMPLOYEE PERSONNEL MATTERS:

<b><u>CPRC CASE NO.</u></b>	<b><u>IA CASE NO.</u></b>
02-030	PC-02-088-131
02-032	PC-02-093-169
02-038	PC-02-113-239
02-042	PC-02-121-167

The Commission adjourned at 8:12 p.m.

Respectfully submitted,

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PHOEBE SHERRON  
Sr. Office Specialist